

Report To: The Planning Board

Date: 5 June 2019

Report By: Head of Regeneration and Planning

Report No: 18/0205/IC
Plan 06/19

Major Application
Development

Contact
Officer: David Ashman

Contact No: 01475 712416

Subject: Construction of 198 residential homes with road, all associated infrastructure, levels changes, amenity open space and landscaping provision including retention of key existing landscaping features at Ravenscraig Hospital Grounds, Ravenscraig Hospital, Inverkip Road, Greenock



SUMMARY

- Planning permission was granted in March 2019 subject to a Section 75 Agreement requiring that prior to the commencement of construction the applicant finances upgrading of the rail bridge at the north-eastern corner of the site to bring it up to adoptable standard; and that on completion the Council adopt maintenance and ownership of the bridge.
- The applicant is concerned that this process may delay start on site by up to 2 years and has requested a re-wording to enable construction to commence on site while requiring the upgrading to adoptable standard prior to occupation of the first residential unit.
- The recommendation is to AGREE to the proposed revision to the Section 75 Agreement.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=PBNW74IMHUA00>

BACKGROUND

At its meeting on 6 March 2019 the Planning Board resolved to grant conditional planning permission for the construction of 198 dwellings, comprised of 48 flats and 150 houses, with associated roads and infrastructure, amenity open space and landscaping which retains key existing features. This was subject to, prior to the issuing of planning permission, the applicant entering into a Section 75 Agreement with the Council requiring:

“That the applicant finances upgrading of the Network Rail bridge at the north-eastern corner of the site to bring it up to adoptable standard; and on satisfactory completion the Council adopt maintenance and ownership of the bridge, all prior to the commencement of construction within the application site.”

On registration of the Section 75 Agreement the planning permission would be issued.

UPDATE

The applicant has sought to progress towards concluding terms of the Section 75 Agreement but, in doing so, and following legal advice, has raised reservations over the specific wording. Whilst offering no objection to the requirement to enter into a Section 75 Agreement and the need to finance upgrading works to the bridge, the applicant has expressed concern that the maintenance and ownership of the bridge be under the Council’s control prior to the commencement of construction within the site. It is possible that it could take up to a year for bridge works to be completed and a further year from completion for the Council’s adoption to take place, allowing for a defects maintenance liability period. This would delay the overall site start by up to 2 years.

The applicant had hoped, subject to the securing the remaining outstanding consents and concluding the Section 75 Agreement, to be in a position to commence the construction of the residential site in September 2019. Should there be an extensive delay to this programme the Scottish Government and Inverclyde Council’s desire to have completed units by March 2021 would possibly not be achieved. In addition, such a delay could jeopardise the project viability as the current tender will have expired, a re-tendering process will be required, and there may be additional cost to the project as a result of inflation alone. The current live tender and an approved offer of grant from the Scottish Government gives the applicant certainty of delivery.

The applicant considers that the best way to resolve this issue would be to seek amendment of the wording of the Section 75 recommendation and the conditions before the Section 75 Agreement is concluded and the planning permission is issued.

Further discussions between the Head of Service – Roads and Transportation and the applicant have concluded revised wording as follows:

“That the scope of the works to the Network Rail Bridge at the north-eastern corner of the site and their financing by the applicant to bring it up to adoptable standard and capable of carrying a 44t vehicle shall be agreed between the applicant and the Council prior to the commencement of construction within the application site; and that the agreed works be completed and the ownership of the bridge transfers to the Council for adoption and maintenance, prior to occupation of the first residential unit”.

This will allow works to commence as programmed on site. The Council, in its role as both roads and planning authority, is not disadvantaged as the applicant remains responsible for completing any necessary works to the bridge to bring it up to adoptable standard and the transfer of ownership of it to the Council, all prior to the first dwelling being occupied.

RECOMMENDATION

- A) That prior to the issuing of planning permission, a Section 75 Agreement shall be entered into requiring:

That the scope of the works to the Network Rail Bridge at the north-eastern corner of the site and their financing by the applicant to bring it up to adoptable standard and capable of carrying a 44t vehicle shall be agreed between the applicant and the Council prior to the commencement of construction within the application site; and that the agreed works be completed and the ownership of the bridge transfers to the Council for adoption and maintenance, prior to occupation of the first residential unit”

- B) That on registration of the Section 75 Agreement required by point A, the application be granted subject to the following conditions:
1. That prior to their use, samples of all facing materials to be used in the construction of the dwellings hereby permitted shall be submitted to and approved in writing by the Planning Authority. Development shall proceed thereafter using the approved materials unless a variation is agreed in writing with the Planning Authority.
 2. That prior to their use samples of all hard landscaping materials shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless any alternative is agreed in writing with the Planning Authority.
 3. That prior to the commencement of development full details of a phasing plan for all soft and hard landscaping and details of all management and maintenance arrangements, shall be submitted to and approved in writing by the Planning Authority.
 4. That the landscaping scheme approved in terms of condition 3 above shall be implemented in full in accordance with the approved phasing plan. Any of the planting which is damaged, is removed, becomes diseased or dies within the first 5 years of planting shall be replaced within the following planting season with plants of a similar size and species.
 5. That prior to the commencement of development, full details of the equipped play area, including details of management and maintenance arrangements, shall be submitted to and approved in writing by the Planning Authority including a phasing plan for provision of the play area. The play area shall subsequently be provided in accordance with the approved phasing plan.
 6. That prior to the commencement of development, details of traffic calming measures shall be agreed in writing with the Planning Authority.
 7. That no dwelling hereby permitted shall be occupied until the footway and road serving it is completed to sealed base course level.
 8. That prior to the last of the dwellings in each of the “neighbourhoods” hereby permitted being occupied, all footways and roads serving the dwellings in that neighbourhood shall be completed to final wearing course level.
 9. That all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas and all other surface water areas.
 10. That all surface water originating within the site shall be intercepted within the site.
 11. That prior to the commencement of development, confirmation of connection to the Scottish Water Network shall be submitted for approval.
 12. That removal/retractable bollards shall be fitted at the north-easternmost access from Inverkip Road prior to the commencement of development. Details of the bollards shall be submitted to and approved in writing by the Planning Authority prior to their use.

13. That development shall not proceed until the agreed Japanese Knotweed control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation.
14. That the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with current codes of practice. The submission shall also include a Verification Plan. Any subsequent modifications to the Remediation Scheme and Verification Plan must be approved in writing by the Planning Authority prior to implementation.
15. That before the development hereby permitted is occupied the applicant shall submit a report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of all materials imported onto the site as fill or landscaping material. The details of such materials shall include information of the material source, volume, intended use and chemical quality with plans delineating placement and thickness.
16. That the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
17. That existing trees both within the development site and in the vicinity of the boundary of the site which are not to be felled or lopped as part of the proposals are to be protected in accordance with British Standards Recommendations for trees in Relation to Construction, currently BS 5837:2012.
18. That no tree felling, lopping or scrub clearance shall take place within the main bird breeding season, March to June inclusive, and all such works will be preceded by a check for nesting birds in accordance with the Nature Conservation (Scotland) Act 2014 and the protection of wildlife. No development shall take place until details of protection measures have been submitted to and approved in writing by the Planning Authority.
19. That no development shall take place within the development site as outline in red on the approved plans until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of the archaeological resources within the development site is undertaken to the satisfaction of the planning authority and its archaeological advisor.
20. That the remote footpaths shown on the approved drawings shall be provided in accordance with a phasing plan to be submitted to and approved in writing by the Planning Authority. Full details of the means of connection and surfacing of the paths shall be submitted to and approved in writing by the Planning Authority prior to their provision.
21. That the recommendations contained within the Ecus Environmental Consultant's "Ecological Appraisal" dated February 2017 shall be implemented in full.

22. That the recommendations contained within the Echoes Ecology Ltd "Bat Survey" report, dated 25 July 2018 shall be implemented in full.
23. That no development shall take place on site until such time as details of a boundary fence adjacent to Network Rail's boundary has been submitted to and approved in writing by the Planning Authority. A suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary must be installed prior to occupation of the first dwelling hereby permitted and provision for the fence's future maintenance and renewal shall be made. Network Rail's existing boundary measure must not be removed without prior permission. The fencing shall be carried out only in full accordance with such approved details.
24. That drainage must be collected and diverted away from the railway unless through existing channels. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and is subject to a minimum prior notice period for booking of 20 weeks.
25. That the proposed development shall be limited to 200 dwellings.
26. That the proposed A78(T)/Branchton Road/Gleninver Road junction shall be constructed to a layout generally consistent with Drawing 120756/1016, dated 17 October 2018, forming part of the Transport Assessment and provided in support of application 18/0205/IC. The finalised junction layout, type and method of construction shall be submitted for approval by the Planning Authority, in consultation with Transport Scotland, as Trunk Road Authority, before any part of the development is commenced.
27. That the proposed A78(T)/proposed development emergency access junction shall be constructed to a layout generally consistent with Drawing 120756/1002 A, dated 22 November 2017, forming part of the Transport assessment and provided in support of application 18/0205/IC. The finalised junction layout, type and method of construction shall be submitted for approval by the Planning Authority, in consultation with Transport Scotland, as Trunk Road Authority, before any part of the development is commenced.
28. That no part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland, as the Trunk Road Authority. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.
29. That prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Road Authority.
30. That there shall be no drainage connections to the trunk road drainage system.
31. That prior to the commencement of the construction period, a Construction Traffic Management Plan (CTMP) shall be prepared and agreed in consultation with the Local Authority and Transport Scotland.
32. That notwithstanding the terms of condition 1 above, the variation in bricks across the development shall be as per background paper annexe 1, dated 17 January 2019.
33. That prior to the commencement of development full details, including a timetable for provision of the remote footpaths, shall be submitted to and approved in writing by the Planning Authority.

Reasons

1. In the interests of visual amenity.
2. To ensure the suitability of these materials.
3. To ensure the timely provision of an adequate landscaping scheme in the interests of visual amenity.
4. To ensure retention of the approved landscaping scheme.
5. To ensure the provision of adequate play facilities.
6. In the interests of traffic and pedestrian safety.
7. To ensure the provision of adequate traffic and pedestrian facilities.
8. To ensure the provision of adequate traffic and pedestrian facilities.
9. To control runoff from the site to reduce the risk of flooding.
10. To control runoff from the site to reduce the risk of flooding.
11. To ensure adequate service connections can be achieved.
12. To ensure that this access is for emergency vehicular use only in order that the site is developed in accordance with the approved transport strategy.
13. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
14. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
15. To ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety.
16. To ensure that all contamination issues are recorded and dealt with appropriately.
17. To ensure preservation of the trees not to be removed.
18. In the interests of wildlife protection.
19. In the interests of antiquity.
20. To ensure the provision of adequate footpath connections.
21. In the interests of wildlife protection.
22. In the interests of wildlife protection.
23. In the interests of public safety and the protection of Network Rail infrastructure.
24. In the interests of public safety and the protection of Network Rail infrastructure.
25. To restrict the scale of the development to that suited to the layout of the existing access and minimise interference with the safety and free flow of traffic on the trunk road.
26. To minimise interference with the safety and free flow of the traffic on the trunk road.

27. To minimise interference with the safety and free flow of the traffic on the trunk road.
28. To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.
29. To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.
30. To ensure that the efficiency of the existing drainage network is not affected.
31. To minimise interference with the safety and free flow of the traffic on the trunk road, to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities, and to be consistent with current guidance and best practice.
32. In the interests of creating a sense of place.
33. To ensure the safe provision of these footpaths.

Stuart Jamieson
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Ashman on 01475 712416.